

**REMARKS**

Claims 1-28 are pending in this application. By this amendment, claims 1, 15, 21, 22, and 26 are amended. Support for the claim amendments can be found at page 8, lines 6-31, through page 10, lines 1-30, and page 11, lines 3-31 through page 12, lines 1-14. The claims have not been amended for reasons related to patentability, but are amended to expedite the allowance of this case. Claims 1-9 and 11-28 are rejected under 35 U.S.C. § 102(b). Claim 10 is rejected under 35 U.S.C. § 103(a). Applicant respectfully requests reconsideration of the present claims in view of the foregoing amendments and the following remarks.

I. Claim Rejections Under 35 U.S.C. § 102(b)

A. Independent Claims 1 and 15 Are Not Anticipated by U.S. Patent No. 5,864,613

Claims 1-9, 11-14, and 15-21 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,864,613 to Flood (hereinafter “the ‘613 patent”). Applicant asserts that the ‘613 patent does not anticipate amended independent claims 1 and 15. Accordingly, withdrawal of this rejection is respectfully requested.

Amended independent claim 1 recites: A device for controlling telephone usage, comprising: a switch coupled between a telephone line and a telephone wherein the switch completes a circuit between the telephone line and the telephone to allow a phone call to proceed when in a first position and obstructs a circuit between the telephone line and telephone to prevent a phone call from proceeding when in a second position; a reference clock; a processor operatively coupled to the reference clock and the switch, the processor being configured to control the position of the switch based on a comparison of a time reference to a time from the reference clock, and a delay element configured to override the processor control of the switch when the delay element is activated.

To anticipate, a reference must teach each and every limitation of a claim. The ‘613 patent does not teach or suggest each and every limitation of amended independent claim 1.

The ‘613 patent describes a system and method for controlling the use of a telephone based on user supplied access criteria. The system includes a database for storing the access criteria. The access criteria can be modified in response to commands received from the telephone. The system also includes a switch, electrically coupled between the telephone and a

telephone network. The switch is for selectively coupling the telephone and the telephone network based on the access criteria stored in the database.

The '613 patent does not teach each and every limitation of amended claim 1. For example, the '613 patent does not teach or suggest a device for controlling telephone usage which includes, among other features, a delay element configured to override processor control of a switch when the delay element is activated. Since the '613 patent does not teach each and every limitation of amended claim 1, the '613 patent does not anticipate amended claim 1. For at least these reasons, amended claim 1 is patentable over the '613 patent. Applicant respectfully requests withdrawal of the rejection to claim 1 and allowance thereof.

Claims 2-9 and 11-14 depend from amended claim 1 and contain additional important limitations. For at least the reasons stated above, claims 2-9 and 11-14 are not anticipated by the '613 patent. Additionally, contrary to the rejection of claim 14 at page 5 of the Office Action, the '613 patent does not describe a button coupled to a processor and wherein the processor delays moving the switch to the second position after the occurrence of the time reference when the button is depressed. Thus, Applicant respectfully requests withdrawal of the rejection of claims 2-9 and 11-14 and allowance thereof.

Amended independent claim 15 recites: A method of controlling telephone usage, comprising: determining a time; comparing the time to a time reference; completing a circuit between a telephone line and a telephone to allow a phone call to proceed when the time is different than the time reference and obstructing the circuit between the telephone line and the telephone when the time is equal to the time reference, and delaying the obstructing of the circuit by activating a delay device when the time is equal to the time reference and obstructing of the circuit is desirable.

The '613 patent is generally described above. The '613 patent does not teach each and every limitation of amended claim 15. For example, the '613 patent does not teach or suggest a method of controlling telephone usage including, among other features, completing a circuit between a telephone line and a telephone to allow a phone call to proceed when the time is different than the time reference and obstructing the circuit between the telephone line and the telephone when the time is equal to the time reference, and delaying the obstructing of the circuit by activating a delay device when the time is equal to the time reference and obstructing of the circuit is desirable. Since the '613 patent does not teach each and every limitation of amended

claim 15, the '613 patent does not anticipate amended claim 15. For at least these reasons, amended claim 15 is patentable over the '613 patent. Applicant respectfully requests withdrawal of the rejection to claim 15 and allowance thereof.

Claims 16-21 depend from amended claim 15 and contain additional important limitations. For at least the reasons stated above, claims 16-21 are not anticipated by the '613 patent. Thus, Applicant respectfully requests withdrawal of the rejection of claims 16-21 and allowance thereof.

B. Independent Claims 22 and 26 Are Not Anticipated by U.S. Patent No. 5,802,157

Claims 22-28 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,802,157 to Clarke et al. (hereinafter "the '157 patent"). Applicant asserts that the '157 patent does not anticipate amended independent claims 22 and 26. Accordingly, withdrawal of this rejection is respectfully requested.

Amended independent claim 22 recites: A device for controlling telephone usage, comprising: a switch coupled between a telephone line and a telephone wherein the switch completes a circuit between the telephone line and the telephone to allow a phone call to proceed when in a first position and obstructs a circuit between the telephone line and telephone to prevent an outgoing phone call from proceeding when in a second position; a memory storing a personal identification number, the personal identification number associated with at least one authorized user of the telephone for making outgoing phone calls, wherein unauthorized users are prevented from making outgoing phone calls from the telephone; a keypad; and a processor operatively coupled to the memory, the keypad, and the switch, the processor being configured to control the position of the switch based on a comparison of a number entered through the keypad to the personal identification number such that the switch resides in the second position after dialing of a telephone number to thereby prevent outgoing phone calls from the telephone unless the entered number is the personal identification number.

The '157 patent describes service for screening outgoing telephone calls. The service allows a subscriber to determine the times of day and/or days of the week when outgoing calls on the telephone line are to be restricted to numbers which have been approved. Calls to numbers other than those on the authorized list will not be completed. Incoming calls are also restricted and a privileged caller code must be entered for the outside caller to complete the incoming call to the subscriber.

As stated above, to anticipate, a reference must teach each and every limitation of a claim. The '157 patent does not teach each and every limitation of amended independent claim 22. For example, the '157 patent does not teach or suggest a device for controlling telephone usage which includes, among other features, a memory storing a personal identification number, the personal identification number associated with at least one authorized user of the telephone for making outgoing phone calls, wherein unauthorized users are prevented from making outgoing phone calls from the telephone, and a processor operatively coupled to the memory, and a switch, the processor being configured to control the position of the switch based on a comparison of a number entered through the keypad to the personal identification number such that the switch resides in the second position after dialing of a telephone number to thereby prevent outgoing phone calls from the telephone unless the entered number is the personal identification number. Furthermore, the '157 patent teaches away from what is recited in claim 22. The '157 patent describes that a privileged caller code must be entered for an outside caller to complete an incoming call to the subscriber. Since the '157 patent does not teach each and every limitation of amended claim 22, the '157 patent does not anticipate amended claim 22. For at least these reasons, amended claim 22 is patentable over the '157 patent. Thus, Applicant respectfully requests withdrawal of the rejection to claim 22 and allowance thereof.

Claims 23-25 depend from amended claim 22 and contain additional important limitations. For at least the reasons stated above, claims 23-25 are not anticipated by the '157 patent. Thus, Applicant respectfully requests withdrawal of the rejection of claims 23-25 and allowance thereof.

Amended independent claim 26 recites: A method for controlling telephone usage, comprising: determining a stored personal identification number, the personal identification number associated with at least one authorized user of the telephone for making outgoing phone calls, wherein unauthorized users are prevented from making outgoing phone calls from the telephone; comparing the personal identification number to a number entered through a keypad; and completing a circuit between a telephone line and a telephone to allow an outgoing phone call to proceed when the entered number is the same as the personal identification number and obstructing the circuit between the telephone line and the telephone to thereby prevent outgoing phone calls from the telephone when the entered number is different than the personal identification number.

The deficient teaching of the '157 patent is described above. The '157 patent does not teach each and every limitation of amended independent claim 26. For example, the '157 patent does not teach or suggest a method for controlling telephone usage which includes, among other features, determining a stored personal identification number, the personal identification number associated with at least one authorized user of the telephone for making outgoing phone calls, wherein unauthorized users are prevented from making outgoing phone calls from the telephone, and completing a circuit between a telephone line and a telephone to allow an outgoing phone call to proceed when the entered number is the same as the personal identification number and obstructing the circuit between the telephone line and the telephone to thereby prevent outgoing phone calls from the telephone when the entered number is different than the personal identification number. The '157 patent also teaches away from what is recited in claim 26. Since the '157 patent does not teach each and every limitation of amended claim 26, the '157 patent does not anticipate amended claim 26. For at least these reasons, amended claim 26 is patentable over the '157 patent. Thus, Applicant respectfully requests withdrawal of the rejection to claim 26 and allowance thereof.

Claims 27-28 depend from amended claim 26 and contain additional important limitations. For at least the reasons stated above, claims 27-28 are not anticipated by the '157 patent. Thus, Applicant respectfully requests withdrawal of the rejection of claims 27-28 and allowance thereof.

## II. Claim Rejections Under 35 U.S.C. §103(a)

### Claim 10 is Not Obvious in View of the '613 and '157 patents

Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over the '613 patent in view of the '157 patent. Applicant asserts that claim 10 is not obvious based on the '613 patent in view of the '157 patent.

The deficient teaching of the '613 patent with respect to amended claim 1 is described above. The '157 patent is also described above. The '157 patent does not compensate for the deficient teaching of the '613 patent. Moreover, even if the '157 patent did compensate for the deficient teaching of the '613 patent, the Office Action and the references themselves provide no evidence of a suggestion or motivation to combine them. Thus, the Office Action fails to provide a prima facie case of obviousness with respect to amended claim 1. Since claim 10

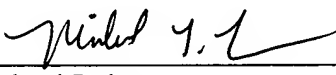
depends from amended claim 1 and includes additional important limitations, Applicant requests withdrawal of the rejection and allowance of claim 10.

**CONCLUSION**

For at least these reasons, Applicant asserts that the pending claims 1-28 are in condition for allowance. Applicant further asserts that this response addresses each and every point of the Office Action, and respectfully requests that the Examiner pass this application with claims 1-28 to allowance. Should the Examiner feel that a telephone interview with Applicant's attorney would further advance the case, please contact the undersigned at 404.954.5040.

Respectfully submitted,  
MERCHANT & GOULD, LLC

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